

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SCOTT D. MCCLURG, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:12-CV-00361-AGF
	)	
MALLINCKRODT, INC., et al.,	)	Lead Case
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Upon review of the record, the Court notes that this case has been pending for six years. It currently involves nearly 500 Plaintiffs and is growing; the parties have been meeting regularly with the Court-appointed Mediator, Randi Ellis, for nearly two years, pursuant to a Court Order. The parties have nearly completed discovery on the common issues, including expert discovery, and the parties have made significant progress on discovery related to the Bellwether Plaintiffs in the Initial Trial Pool. Therefore, the Court believes that the case is at a critical juncture for meaningful settlement discussions involving client representatives with appropriate settlement authority.


The Court is also aware that the United States Department of Energy (“DOE”) is a possible indemnitor in this case, and that Plaintiffs have requested the presence of an appropriate DOE representative at the Court-ordered, regularly-held mediation conferences in this case, but no such representative has appeared at any mediation conference to date.

Accordingly,

**IT IS HEREBY ORDERED** that, no later than **14 days** from the date of this Memorandum and Order, the parties shall meet with the Court-appointed Mediator, Randi Ellis, to engage in good faith settlement discussions.

**IT IS FURTHER ORDERED** that a client representative with appropriate settlement authority on behalf of each party, and a representative of the United States Department of Energy with appropriate settlement authority, shall attend the above-referenced mediation conference.

**IT IS FURTHER ORDERED** that counsel for Mallinckrodt, Inc. shall provide a copy of this Memorandum and Order to its contact at the Department of Energy.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2018.